

Appl. No. 10/802,669  
Amdt. dated May 17, 2006  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 2878

PATENT

REMARKS/ARGUMENTS

Claims 1-5, 7, 8, 10, 11 and 13-15 are pending in this application. Claims 6 and 11 have been canceled.

The Examiner is thanked for the courtesy of a telephone call on May 16, 2006.

The claims have all been rejected as anticipated by Huber, or obvious in view of Huber and Leki or Halzapfel.

Although Huber does mention an LED, it is clear that Huber requires a coherent light source to obtain the interference from diffraction that is relied on. This can be accomplished either by using a laser or other light source, or possibly by collimating the LED light with the lenses shown in Fig. 5.

The independent claims have been amended to clarify that not only is an incoherent light source used, but that the light remains incoherent as it impinges the 3 gratings described. Thus, no lens is required as in Huber.

Huber is directed to detecting movement with extreme accuracy, using a very fine grating with a spacing less than the wavelength of red light. The present invention, on the other hand, is designed to allow an inexpensive movement detector. It would not be obvious to modify Huber, or combine it with any other reference, because of (1) the completely different direction of an inexpensive, simple apparatus in the present invention vs. the expensive, extremely accurate approach of Huber; and (2) the completely different approach of the present invention of not using coherent light or the resulting diffracted orders of light of Huber, instead relying on incoherent interference without diffracted orders of light.

The present invention provides advantages over Huber in that the grating period does not depend on the wavelength of light and this distance between the light emitter and first grating is not constrained.

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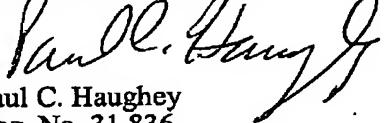
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**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

  
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